

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROBINSON O. MBAKA,
Petitioner,

vs.

JANET A. NAPOLITANO,
et al.,
Respondents.

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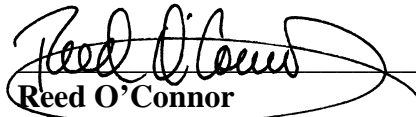
No. 3:09-CV-1109-O-BH

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation, the Court **GRANTS** *Defendants' Motion to Dismiss*, filed on November 24, 2009,(doc. 12).¹ Although it grants the motion to dismiss, it **TRANSFERS** the action to the Fifth Circuit Court of Appeals as a petition for review pursuant to 28 U.S.C. § 1631 instead of dismissing it.

SO ORDERED this **26th** day of **February, 2010**.



Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹ Respondents refer to themselves as “defendants”.